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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,908	09/17/2003	Juha T. Harju	59864.01093	2638

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EXAMINER	
WENDELL, ANDREW	

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

Supplemental Advisory Action Before the Filing of an Appeal Brief	Application No. 10/663,908	Applicant(s) HARJU ET AL.	
	Examiner Andrew Wendell	Art Unit 2618	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1-18*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attachment.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

Andrew Wendell
571-272-0557

Quochien B. Vuong 3/22/07
QUOCHIEN B. VUONG
PRIMARY EXAMINER

SUPPLEMENTAL DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogino et al. (US Pat Appl# 2002/0098839) in view of Dean (US Pat# 6,201,802).

Regarding claim 1, Ogino et al. method for measurement transmitting time offset of base station teaches receiving signals GPS Signal (Fig. 4) from a location system external to a network (Satellite) for determining a location of a network survey device, the method being used for performing a network survey for a radio telecommunications network comprising two or more base stations (Sections 0113); locating the network survey device at a first location and, with the network survey device at the first location 431 (Fig. 4, Section 0042 "observation points"), receiving signals from a first base station 41 and P1 (Fig. 4) of the network at the first location 431 (Fig. 4) by means of the network survey device 430 (Fig. 4), thereby measuring synchronization (time offset) of said first base station relative to a reference time-frame determined from the location system (Sections 0039-0045 and 0008-0009); and the network survey device at a second location 432 (Fig. 4) and, with the network survey device at the second location, receiving signals from the first base station P2 (Fig. 4) at the second location by the means of a network survey device, thereby measuring synchronization of said first base

station relative to the reference time-frame (Sections 0039-0045 and 0008-0009). Ogino et al. fails to teach moving the network survey device and receiving signal for determining its location.

Dean's method for analyzing base station timing teaches moving the network survey device (Col. 6 lines 27-36) and receiving signals for determining its location (Col. 7 lines 22-29). Also, Dean teaches performing a network survey 100 (Fig. 4) for a radio telecommunications network comprising two or more base stations 8 and 10 (Fig. 4).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate moving the network survey device as taught by Dean into Ogino et al. method for measurement transmitting time offset of base station in order to have a comprehensive and precise method of measuring base station timing (Col. 4 lines 51-57).

Regarding claim 2, the combination including Ogino et al. teaches comparing results of measurements at the first and second locations with pre-determined network management criteria (Sections 0008 and 0009).

Regarding claim 3, the combination including Dean teaches modifying a configuration of the network based upon the results of the comparison (Col. 10 lines 30-37).

Regarding claim 4, the combination including Dean teaches receiving the signals from the location system, which comprises a satellite location system and the signals from satellites of the system are received for determining the location of the network survey device (Col. 7 lines 22-29).

Regarding claim 5, the combination including Dean teaches receiving the signals from the location system, which comprises the Global Positioning System (Col. 7 lines 22-29).

Regarding claim 6, the combination including Dean teaches recording visibility of the satellites and quality of the signals of the satellites by means of the network survey device (Col. 7 lines 22-29).

Regarding claim 7, the combination including Dean teaches measuring a quality and a signal level of the signal received from the first base station (Col. 9 lines 44-61).

Regarding claim 8, the combination including Dean teaches receiving signals from a second base station of the network by means of the network survey device in the first and second locations; and synchronizing (timing) the second base station relative to the reference time-frame (Fig. 6).

Regarding claim 9, Ogino et al. teaches a first receiving means 431 (Fig. 4) for receiving signals from base stations 41 (Fig. 4, even though it shows one base station, figure 1 shows multiple base stations 131-133); second receiving means 432 (Fig. 4) for receiving a reference time-frame signal GPS Signal (Fig. 4 and Section 0039); and first measuring means 430 (Fig. 4) for measuring synchronization (time offset) of base stations relative to a reference time-frame (Sections 0039-0045 and 0008-0009). Ogino et al. fails to teach clearly receiving signals from base stations.

Dean teaches a first receiving means 100 (Fig. 4) for receiving signals from base stations 8 and 10 (Fig. 4).

Regarding claim 10, the combination including Dean teaches a second measuring means for measuring the synchronization (timing) of at least one base station relative to another base station (Fig. 6).

Regarding claim 11, claim 11 is rejected for the same reason as claim 9 since the recited elements would perform the claimed steps.

Regarding claim 12, Ogino et al. teaches receiving signals from a location system GPS Signal (Fig. 4) external to a network for determining a location of a network survey device, the method being used for performing a network survey for a radio telecommunications network comprising two or more base stations (Sections 0113); locating the network survey device at a first location and, with the network survey device at the first location 431 (Fig. 4, Section 0042 "observation points"), receiving signals from at least one of a plurality of base stations 131-133 (Fig. 1) at the first location 431 (Fig. 4) by means of the network survey device 430 (Fig. 4), thereby measuring

synchronization (Time offset) of said at least one base station of said plurality of base stations relative to a reference time-frame GPS signal (Fig. 4) determined from the location system (Sections 0039-0045 and 0008-0009); and the network survey device at a second location 432 (Fig. 4) and, with the network survey device at the second location, receiving signals from said at least one base station 41 (Fig. 4) of said plurality of base stations at the second location by the means of a network survey device, thereby measuring synchronization (time offset) of said at least one base station of said plurality of base stations relative to the reference time-frame (Sections 0039-0045 and 0008-0009). Ogino et al. fails to teach moving the network survey device, receiving signal for determining its location, and receiving signals from a plurality of base stations.

Dean's method for analyzing base station timing teaches moving the network survey device (Col. 6 lines 27-36), receiving signals for determining its location (Col. 7 lines 22-29), and receiving signals from a plurality of base stations 8 and 10 (Fig. 4). Also, Dean teaches performing a network survey 100 (Fig. 4) for a radio telecommunications network comprising two or more base stations 8 and 10 (Fig. 4).

Regarding claim 13, the combination including Ogino et al. teaches comparing results of measurements at the first and second locations with pre-determined network management criteria (Sections 0008 and 0009).

Regarding claim 14, the combination including Dean teaches modifying a configuration of the network based upon the results of the comparison (Col. 10 lines 30-37).

Regarding claim 15, the combination including Dean teaches wherein locating the network survey device at the first location comprises receiving the signals from said plurality of base stations, and moving the network survey device to the second location comprises receiving the signals from said plurality of base stations (Col. 9 line 18-Col. 10 line 29).

Regarding claim 16, the combination including Dean teaches wherein moving the network device to the second location comprises receiving the signals from a first base station and from at least one neighboring base station of the network (Col. 9 line 18-Col. 10 line 29).

Regarding clam 17, the combination including Dean teaches wherein moving the network device to the second location comprises receiving the signals from a first base station of the network and at least one base station associated with another telecommunications network (Col. 9 line 18-Col. 10 line 29).

Regarding claim 18, the combination including Ogino teaches a second measuring unit configured to measure the synchronization of at least one base station relative to another base station (Sections 0113-0116).

Response to Arguments

Applicant's Remarks	Examiner's Response
"Specifically, Dean does not teach or suggest generating a network survey of timing difference from various locations."	Ogino teaches a network survey of timing difference from various locations (Fig. 4, Sections 0008-0009 and 0039-0045). Also, for the sake of argument, Dean

	teaches timing differences from various locations. In Col. 6 lines 30-33 of Dean, it says "A timing analyzer 90 preferably may move readily throughout the coverage area of a system. For example, the timing analyzer 90 may be installed in a van." This means a timing device 90 (Fig. 2) can survey timing differences from various locations (driving in a van around coverage areas using the timing device).
"Neither Ogino nor Dean raise the issue of calculating a network survey which can be used for calibrating the network."	Examiner believes applicant is reading more into the claims than present. Examiner fails to see where in the claims it states "calibrating the network."
"Applicants also submit that one skilled in the art would not be motivated to modify the teaching of Ogino and Dean to yield the elements recited in the presently pending claims."	Again, Ogino and Dean both teach analyzing timing from signals sent by a base station(s) in a wireless network environment.
"However, neither Dean nor Ogino teach or suggest generating a network survey of timing difference from various locations by	Ogino clearly teaches generating a network survey of different locations. The base station is part of a communication

locating the network survey device to a first location and measuring synchronization of a first base station relative to a reference time-frame determined from a location system and moving the network survey device to a second location and measuring synchronization of a first base station relative to a reference time-frame, as recited in the pending claims."	network and the network survey device collects signals from the base station at different locations (Sections 0041-0042). It uses the timing signals to reference with other timing signals (Sections 0043-0044).
The timeing offsets gather in Dean is not equivalent to a network survey of timing difference, as recited in the pending claims."	Again, Ogino teaches a network survey of timing difference from various locations (Fig. 4, Sections 0008-0009 and 0039-0045). Also, for the sake of argument, Dean teaches timing differences from various locations. In Col. 6 lines 30-33 of Dean, it says "A timing analyzer 90 preferably may move readily throughout the coverage area of a system. For example, the timing analyzer 90 may be installed in a van." This means a timing device 90 (Fig. 2) can survey timing

	differences from various locations (driving in a van around coverage areas).
"There is no evidence, in Dean, that the GPS receiver is needed to determine the position of the device for performing the proposed measurement."	As applicant states, "the GPS receiver can be used for two purposes, for positioning." Later the applicant states, "In Dean, the navigation mode is only needed initially." As stated, the GPS is and can be used to determine position.